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09/684,053	10/06/2000	Donald J. Kadyk	13768.142	1598

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EXAMINER

LIN, WEN TAI

ART UNIT PAPER NUMBER

2154

DATE MAILED: 03/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/684,053

Applicant(s)

KADYK ET AL.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-24 are presented for examination.
2. Claims 3, 12-13 and 17 are objected to because the following terms lack antecedent basis:

In claims 3, 12 and 17, "the external network"; and

In claims 12 and 13, "the requested service".

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, 10-18, 20 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrett et al.[U.S. Pat. No. 6611876].

5. As to claims 1-2, Barrett teaches the invention as claimed including: an expert proxy server computer system that is coupled to a plurality of wireless devices through a wireless network, wherein the expert proxy server is coupled through a network to a plurality of server computer systems, the expert proxy server either directly or in conjunction with the plurality of server computer systems offering a plurality of applications that provide a service, a method of the expert proxy server acting as an agent for a wireless device so as to preserve the limited bandwidth of the wireless network and so as to preserve the limited memory and processing capacity of the wireless device [Abstract; col.1, lines 49-67; Figs.1-3; col.11, lines 29-32; col.3, line 56-col.4, line 5], the method comprising the following:

- a specific act of the expert proxy server computer system determining that a service is to be provided to a wireless device; a specific act of the expert proxy server computer system identifying an application that provides the service; a specific act of the expert proxy server computer system communicating with the identified application that provides the service [Figs. 4a & 4b; col.1, lines 49-67; col.6, line 43 – col.7, line 5; col.7, lines 45-52; e.g., being a request modifier or content generator, the proxy server must be able to associate various service applications that each request is destined to and further decide the requested content type so as to assign an appropriate transcoder]; and
- a specific act of the expert proxy server computer system compiling the results of the communication with the application; and a specific act of the

expert proxy server computer system transmitting the compilation to the wireless device over the wireless network [Figs. 1 & 3; col.2, lines 40-55; col.5, lines 1-10; col.12, lines 50-67; e.g., in response to a request, the group administrator needs to assign an appropriate transcoder for converting the received web content into a proper data/image format].

6. As to claim 3, Barrett further teaches that the specific act of the expert proxy server computer system communicating with the identified application that provides the service comprises the following: a specific act of the expert proxy server communicating with one of the plurality of server computer systems over an external network that hosts the identified application [col.11, lines 21-28; e.g., a wired network is an external network with respect to the wireless network to which client devices are connected].

7. As to claim 4, Barrett further teaches that the specific act of the expert proxy server computer system communicating with the identified application that provides the service comprises the following: a specific act of the expert proxy server submitting a plurality of separate communications to the application; and a specific act of the expert proxy server receiving a response to at least some of the plurality of communications [i.e., Barrett's proxy server is able to accept multiple requests from different client devices and return responses to each of them].

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8. As to claim 6, Barrett further teaches that the service includes a storage service [i.e., caching data at the proxy server].

9. As to claims 10-18, 20 and 24, since the features of these claims can also be found in claims 1-4 and 6, they are rejected for the same reasons set forth in the rejection of claims 1-4 and 6 above.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al.(hereafter "Barrett")[U.S. Pat. No. 6611876], as applied to claims 1-4, 6, 10-18, 20 and 24 above, further in view of Fox et al.(hereafter "Fox")[U.S. Pat. No. 6654786].

12. As to claim 5, Barrett teaches that proxy server (i.e., the intermediary) can be placed anywhere along a data stream [col.1, lines 14-23]. Barrett does not specifically teach that the service includes an instant messaging service. However, Fox teaches

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that instant messaging is part of data stream serviced in a client-server environment

[Fox: 204, Fig.4; col.2, lines 4-7].

As such, it is obvious that Barrett's system could have been extended to include services providing instant messaging, because by doing so it would further broaden the application of Barrett's system/method.

13. As to claim 19, since the features of this claim can also be found in claims 1, 5 and 14-15, it is rejected for the same reasons set forth in the rejection of claims 1, 5 and 14-15 above.

14. Claims 7-9 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al.(hereafter "Barrett")[U.S. Pat. No. 6611876], as applied to claims 1-6, 10-20 and 24 above.

15. As to claims 7-9, Barrett teaches that proxy server (i.e., the intermediary) can be placed anywhere along a data stream [col.1, lines 14-23]. Barrett does not specifically teach that the service includes customized page service, reservation service and bidding service.

However, official notice is taken that internet-oriented customized pages, reservation services and bidding services providing portal device users via intermediaries are well known in the art.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to include all these services in Barrett's system, because the data streams caused by these different services/requests can be readily fit into Barrett's proxy server for further modification/simplification and addition of the service could obviously broaden the utilization of Barrett's system/method.

16. As to claims 21-23, since the features of these claims can also be found in claims 1, 7-9 and 14-15, they are rejected for the same reasons set forth in the rejection of claims 1, 7-9 and 14-15 above.

17. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:



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(703)872-9306 for official communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

February 23, 2004

  
2/23/04